

## CHAPTER 2

### DEFINITIONS

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## 9-2-2 DEFINITIONS

These definitions are grouped in the following functional groups: a) Buildings and Structures, b) Drainage and Watershed Protection, c) Dwellings, d) Easements, e) Soil Erosion and Sedimentation Control, f) Flood Damage Prevention, g) General, h) Hazardous and Toxic Substance, i) Lots, j) Setbacks, k) Signs, and l) Streets and Drives. Refer to Section 9-2-1 (Definition Index) for location of specific words.

### (a) BUILDINGS AND STRUCTURES

- (1) ACCESSORY BUILDING: A detached building, the use of which is customarily incidental to that of the principal building and which is located on the same zone lot as the principal building.
- (2) ACCESSORY STRUCTURE: A detached subordinate or incidental structure, the use of which is customarily incidental to that of the principal structure and which is located on the same zone lot as the principal structure. Garages, carports, storage sheds, barns, hay sheds and the like qualify as accessory structures.
- (3) BUILD-TO LINE: The line at which construction of a building is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even building façade line on a street.
- (4) BUILD-TO ZONE: A zone in which construction of the front building façade of a building is to occur on a lot. A build-to zone runs parallel to the front property line and is established to create a prominent building façade line on a street.
- (5) BUILDING: Any structure having a roof supported by walls or columns constructed or used for residence, business, industry, or other public or private purposes.
- (6) BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof. (See Appendix-Illustrations)
- (7) BUILDING LINE: A line parallel to the front property line which establishes the horizontal distance between the structure and the front property line.
- (8) BUILDING SEPARATION: The minimum required horizontal distance between buildings measured wall to wall.
- (9) FACADE: The principal face or front elevation of a building.
- (10) FACADE DESIGN: The overall impression of the building resulting from its scale and proportion, massing, rhythm and selection of materials; also, the creative process of arraying the elements into a whole.

- (11) FACADE MASS: Characteristic of how simply or complexly the form of the facade of the building encloses the volumes of space inside.
- (12) FACADE RHYTHM: The number and spacing of elements, such as doors, windows, or other facade details.
- (13) HUMAN SCALE: An element of design that focuses on the pedestrian and the interaction of people. Human scale is accomplished through a variety of design features such as low-rise buildings, minimal setbacks off streets, storefronts facing the street, display windows, awnings, arcades, and porches.
- (14) MEMBRANE STRUCTURES: A structure or building composed of a membrane material, such as canvas, plastic, or other fabrics, that is supported by a rigid framework of metal, plastic or other material.
- (15) PRINCIPAL BUILDING: A building in which is conducted the principal use(s) of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory dwelling in compliance with Subsection 9-5-2(c) (Accessory Dwelling Units on Single Family Lots) or a caretaker dwelling accessory to a nonresidential use in compliance with Subsection 9-5-2(bb)(Caretaker Dwellings).
- (16) PRINCIPAL STRUCTURE: A structure in which is conducted the principal use(s) of the zone lot on which it is located.
- (17) SCALE AND PROPORTION: The size of buildings and architectural details in relation to one another and the size of man. Scale is also determined by the relationship of a building mass to open space.
- (18) STRUCTURE: Any material constructed, erected or placed in or upon the ground located outside the street right-of-way.

**(b) DRAINAGE AND WATERSHED PROTECTION**

- (1) BEST MANAGEMENT PRACTICE (BMP): A structural or non-structural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- (2) BUILT-UPON AREA: That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are not considered built-upon area.)
- (3) CHANNEL: A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated, flowing water or a ditch or canal excavated for the flow of water.

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- (4) CHANNELIZATION: Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainageway or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.
- (5) COMPLETED: Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.
- (6) DISCHARGING LANDFILL: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.
- (7) DITCH: A man-made, open drainageway in or into which excess surface water or groundwater from land, stormwater runoff or floodwaters flow either continuously or intermittently.
- (8) DOMESTIC WASTEWATER DISCHARGE: The discharge of sewage, non-process industrial wastewater, other domestic waste-water or any combination of these items. It includes liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through non-contact cooling water, seafood packing facility discharges, and wastewater from restaurants.
- (9) DRAINAGE, DISPERSED: Drainage spread out, as opposed to collected in channels, so as to affect increased sheet flow and overland flow.
- (10) DRAINAGE, ENHANCED: Drainage carried by existing natural drainageways which have been enhanced to resist soil erosion and stream bank degradation. An enhanced natural drainageway is achieved with the installation of an engineered measure (i.e. netting, rip-rap) which will resist soil erosion and allow infiltration within the natural drainageway.
- (11) DRAINAGEWAY: Any natural or manmade channel that carries surface runoff from precipitation.
- (12) DRAINAGEWAY, IMPROVED: Drainage channeled by impervious surfaces such as curb and gutter or concrete channels.
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- (13) DRAINAGEWAY, PROTECTED: Drainage channeled by pervious devices such as sod waterways, berms, channels, or swales which have been stabilized with vegetation, rip-rap, or a combination of these, to resist soil erosion.
- (14) DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED: The area designated for flood plain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes and, where approved by the City, for utilities.
- (15) DRY DETENTION POND: A pond which collects stormwater runoff, holds the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.
- (16) EPHEMERAL STREAM: A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
- (17) EXISTING DEVELOPMENT: Those projects that are built or those projects that at a minimum have established a vested right under N. C. zoning based on at least one of the following criteria: 1) substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or 2) having a valid outstanding building permit; or 3) having an approved site specific or phased development plan in compliance with NCGS 153A-344.1 or NCGS 385.1. (This definition applies only with respect to Watershed Protection Regulations.)
- (18) HAZARDOUS MATERIAL: Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation and Liability Act CERCLA) Hazardous Substances (42 USC 9601 et seq.); or Section k311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.); oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.
- (19) IMPERVIOUS SURFACE: Improvements including street pavement, driveways, gravel areas, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.
- (20) INDUSTRIAL DISCHARGE: The discharge of industrial process treated wastewater or wastewater other than sewage and including: 1) wastewater resulting from any process of industry or manufacture, or from the development of any natural resource; 2) wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from
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restaurants; 3) stormwater contaminated with industrial wastewater; and 4) wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

- (21) INTERMITTENT STREAM: A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by storm water runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
- (22) MAJOR WATERSHED VARIANCE: A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor greater than five percent of any density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent of any management requirement under the low density option; any variance that pertains to activities that impact any portion of Zone 1 of a surface water buffer.
- (23) MINOR WATERSHED VARIANCE: A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any density or built-upon area requirement under the high density option; or relaxation by a factor up to 10 percent of any management requirement under the low density option; any variance that pertains to activities that impact any portion of Zone 2 of a surface water buffer.
- (24) MODIFIED NATURAL STREAM: means an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological and physical characteristics commonly associated with the continuous conveyance of water.
- (25) NEW DEVELOPMENT: Any land-disturbing activity which adds to or changes the amount of built-upon area. (This definition applies only with respect to Watershed Protection Regulations.)
- (26) NON-PROCESS DISCHARGE: Industrial effluent not directly resulting from the manufacturing process. An example is non-contact cooling water from a compressor.
- (27) PERENNIAL STREAM: A well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological and physical characteristics commonly associated with the continuous conveyance of water.

- (28) PERENNIAL WATERBODY: A natural or man-made basin, including lakes, ponds and reservoirs that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).
- (29) PROTECTED DRAINAGEWAY (CHANNEL): Where drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping, or a combination of those, and which allows infiltration of water into the soil.
- (30) REQUIRED DRAINAGE CHANNEL: The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.
- (31) RETENTION POND: A pond that has a permanent pool.
- (32) RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS: Velocity control of runoff.
- (33) SLUDGE: Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the N.C. Environmental Management Commission.
- (34) STABILIZING VEGETATION: Any vegetation that prevents accelerated soil erosion.
- (35) STORM, ONE-HUNDRED-YEAR: The surface runoff resulting from a rainfall of intensity expected to be equaled or exceeded, on the average, once in one hundred (100) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- (36) STORM, TEN-YEAR: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
- (37) STORM DRAINAGE FACILITIES: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.
- (38) STORMWATER RUNOFF: The direct runoff of water resulting from precipitation in any form.
- (39) STREAM: A watercourse that collects surface runoff.
- (40) SURFACE WATER BUFFER: A natural, vegetated, or revegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering

of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection Regulations.)

- (41) SURFACE WATERS: All waters of the state as defined in G.S. 143-212 except underground waters and wetlands.
- (42) TYPICAL REQUIRED DRAINAGE CHANNEL SECTION: A cross-sectional view of a required drainage channel.
- (43) VELOCITY: The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overland flows are not to be included for the purpose of computing velocity of flow.
- (44) WATER DEPENDENT STRUCTURES: Structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.
- (45) WATER QUALITY CONSERVATION EASEMENT: See Section 9-2-2(d) (Easements).
- (46) WATERSHED CRITICAL AREA: That portion of the watershed within the lake basin of the water supply reservoir as delineated in Chapter 7 (Environmental Regulations).
- (47) WATERSHED, WATER SUPPLY: The entire land area contributing surface drainage to a designated water supply reservoir. For the purposes of the Watershed Protection Overlay District Regulations, major landmarks such as roads or property lines may be used to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridgeline.
- (48) WET DETENTION POND: A pond that collects stormwater runoff, holds the water, and releases it slowly over a period of days, and which has a permanent pool that utilizes both settling and biological process to remove both particulate and soluble particulates.
- (49) WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions.

(c) **DWELLINGS**



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- (1) ACCESSORY DWELLING UNIT: A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single family residential.
  - (2) CARETAKER DWELLING: A separate dwelling unit located on the same zone lot as a permitted principal use or a dwelling unit located within a structure housing a principal use, either of which is occupied by security or maintenance staff or employees of the principal use.
  - (3) CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
  - (4) DWELLING UNIT: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents are not dwelling units.
  - (5) MANUFACTURED DWELLING (Manufactured Home, Mobile Home): A dwelling that 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) is a minimum of forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One-and Two-Family Dwellings.
    - a. Class AA: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
      1. Is occupied only as a single family dwelling;
      2. Is served by public water and sewer;
      3. Has a minimum width of sixteen (16) feet;
      4. Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
      5. Has the longest axis oriented parallel to the lot frontage, unless other orientation is permitted as a Special Exception by the Board of Adjustment following a public hearing;
      6. Is set up in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the
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State of North Carolina Regulations for Manufactured/Mobile Homes. In addition, a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter. The masonry curtain wall or masonry foundation shall be solid brick or brick veneer.

7. Has exterior siding comparable in compositions, appearance and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: a) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); b) cedar or other wood siding; c) stucco siding; or d) brick or stone siding;
  8. Has a roof pitch with a minimum vertical rise of three (3.0) feet for each twelve (12.0) feet of horizontal run;
  9. Has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
  10. All roof structures shall provide an eave projection of no less than six (6.0) inches, which may include a gutter; and
  11. Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the NC Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24.0) square feet. The use of wood stairs only is prohibited at any entrance.
- b. Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:
1. Is occupied only as a single family dwelling;
  2. Is served by public water and sewer;
  3. Has the towing apparatus, wheels, axles, and transporting lights removed;
  4. Is set up in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured/Mobile Homes; and

5. Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina Building Code.
- c. Other: Any manufactured home that does not meet the definitional criteria of a Class AA manufactured dwelling.
- (6) MULTIFAMILY DEVELOPMENT: Three (3) or more dwelling units in a multifamily dwelling on a single zone lot, including apartments, residential condominiums, and townhouses or attached single-family developments.
- (7) MULTIFAMILY DWELLING: A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and including apartments, townhouses, and condominiums.
- (8) PRINCIPAL DWELLING: Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking, and eating activities, excluding dormitories, hotels, motels, shelters for the homeless, or other structures designed for transient residents.
- (9) SINGLE FAMILY ATTACHED DWELLING: Two or more residential buildings attached to one another in some way in which each unit occupies its own lot and is conveyed by deed in fee simple. Single family attached dwellings include townhouse and twin home dwellings.
- (10) SINGLE FAMILY DETACHED DWELLING: A separate, detached building designed for and occupied exclusively by one (1) family.
- (11) TENANT DWELLING: A dwelling located on a bona fide farm and occupied by a farm worker employed for agricultural purposes by the owner or operator of the farm.
- (12) TOWNHOUSE DWELLING: A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common area.
- (13) TWIN HOME DWELLING: A building consisting of two single family dwelling units, each dwelling unit occupying its own conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the two.
- (14) TWO-FAMILY DWELLING (DUPLEX): A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.

**(d) EASEMENTS**

- (1) ACCESS EASEMENT: An easement which grants the right to cross property.
- (2) DRAINAGE EASEMENT: An easement which grants to the City Council the right to maintain, relocate, or in such other manner as it deems necessary, utilize the easement for the improvement of drainage and stormwater flow.
- (3) EASEMENT: A grant of one or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity.
- (4) PEDESTRIAN WAY: A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.
- (5) SIGHT DISTANCE EASEMENT: An easement which grants to the City Council the right to maintain unobstructed view across property located at a street intersection.
- (6) UTILITY EASEMENT: An easement which grants to the City Council or other utility providers the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.
- (7) WATER QUALITY CONSERVATION EASEMENT: A permanent easement conveyed to the City of High Point for the protection of water quality in which no structures or land-disturbing activities are allowed, except as specified by Subsection 9-4-12(f) (Easement Encroachments) and Subsection 9-7-8(a)(1)d.

(e) **SOIL EROSION AND SEDIMENTATION CONTROL**

- (1) ACT: The North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A-50 et seq., and all rules and orders adopted pursuant to it.
- (2) AFFILIATE: Means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.
- (3) AGGREGATED: To bring or gather together, as into a mass, sum, or body. Collected into a whole.
- (4) BEING CONDUCTED: A land disturbing activity that has been initiated and permanent stabilization of the site has not been completed.
- (5) BERM, EROSION CONTROL: A mound of material and/or ditch, the purpose of which is to temporarily divert the flow of runoff water.
- (6) BORROW: Fill material which is required for on-site construction and is obtained from other locations.

- (7) BUFFER: An area of land planted or constructed to separate uses.
- (8) BUFFER ZONE: The strip of land adjacent to a lake or natural watercourse.
- (9) COASTAL COUNTIES: means the following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.
- (10) COMMISSION, SEDIMENTATION: The North Carolina Sedimentation Control Commission.
- (11) COMPLETION OF CONSTRUCTION OR DEVELOPMENT: No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
- (12) DEPARTMENT (DEHNR): The North Carolina Department of Environment, Health, and Natural Resources.
- (13) DIRECTOR (DEHNR): The Director of the Division of Land Resources of the Department of Environment, Health, and Natural Resources.
- (14) DISCHARGE POINT: That point at which runoff leaves a tract of land.
- (15) DISTRICT, SOIL AND WATER CONSERVATION: The Guilford Soil and Water Conservation District created pursuant to Chapter 139, North Carolina General Statutes.
- (16) ENERGY DISSIPATOR: A structure or shaped channel section with mechanical armoring placed at the outlet pipes or conduits to receive and break down the energy from high velocity flow.
- (17) EROSION: The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
- (18) EROSION, ACCELERATED : Any increase over the rate of natural erosion as a result of land-disturbing activities.
- (19) EROSION, NATURAL: The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.
- (20) EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE, ADEQUATE: A device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.
- (21) EXTENSIVE EROSION CONTROL MEASURES: Erosion control devices that are designed by a registered professional engineer, architect, landscape architect,

certified professional in erosion and sedimentation control (CPESC), or a registered surveyor to the extent permitted by North Carolina laws.

- (22) GROUND COVER: Any vegetation, masonry, paving, riprap, or other material or materials which render the soil surface stable against accelerated erosion.
- (23) HIGH QUALITY WATERS: Those classified as such in 15A NCAC 2B.0101(e) (5) - General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS 150B-14(c).
- (24) HIGH QUALITY WATER (HQW) ZONES: Areas in the coastal counties that are within five hundred seventy-five (575) feet of High Quality Waters and, for the remainder of the state, areas that are within one (1) mile and drain to HQW's.
- (25) LAKE or NATURAL WATERCOURSE: Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
- (26) LAND-DISTURBING ACTIVITY: Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.
- (27) LOCAL GOVERNMENT: Refer to "Local Government" in Subsection 9-2-2 (g)(General).
- (28) PARENT: means an affiliate that directly, or indirectly through one or more intermediaries, controls another person.
- (29) PERSON: Refer to "Person" in Subsection 9-2-2 (g) (General).
- (30) PERSON CONDUCTING LAND DISTURBING ACTIVITY: Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.
- (31) PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION: As used in this Ordinance, and NCGS 113A-64, a developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity, the landowner or person in possession or control of the land when he has directly or indirectly allowed the land-disturbing activity or has benefited from it or he has failed to comply with any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act as imposes a duty upon him.
- (32) PHASE OF GRADING: One (1) of the two (2) types of grading, rough or fine.
- (33) SEDIMENT: Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

- (34) SEDIMENTATION: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
- (35) SILTATION: Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited or is in suspension in water.
- (36) SOIL EROSION AND SEDIMENTATION CONTROL PLAN (GRADING PLAN): The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a land-disturbing permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.
- (37) STORM DRAINAGE FACILITIES: Refer to "Storm Drainage Facilities" in Subsection 9-2-2(b) (Drainage and Watershed Protection).
- (38) STORMWATER RUNOFF: Refer to "Stormwater Runoff" in Subsection 9-2-2(b) (Drainage and Watershed Protection).
- (39) SUBSIDIARY: means an affiliate that is directly or indirectly through one or more intermediaries, controlled by another person.
- (40) TEN-YEAR STORM: Refer to "Storm, Ten-Year" in Subsection 9-2-2(b) (Drainage and Watershed Protection).
- (41) TRACT (SITE): All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
- (42) TWENTY-FIVE (25) YEAR STORM: The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.
- (43) UNCOVERED: The removal of ground cover from, on, or above the soil surface.
- (44) UNDERTAKEN: The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.
- (45) VELOCITY: Refer to "Velocity" in Subsection 9-2-2(b) (Drainage and Watershed Protection).
- (46) WASTE: Surplus materials resulting from on-site construction and disposed of at other locations.

- (47) WORKING DAYS: Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

**(f) FLOOD DAMAGE PREVENTION**

- (1) ADDITION (TO AN EXISTING BUILDING). (This definition applies only with respect to flood damage prevention regulations.) An extension or increase in the floor area or height of a building or structure.
- (2) APPEAL. (This definition applies only with respect to flood damage prevention regulations.) A request for a review of the Enforcement Officer's interpretation of any provision of ARTICLE C – FLOOD DAMAGE PREVENTION (Section 9-7-16) of this Ordinance.
- (3) AREA OF SHALLOW FLOODING. Means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- (4) BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year (100-year flood).
- (5) BASE FLOOD ELEVATION (BFE): Means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".
- (6) BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.
- (7) BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.
- (8) ELEVATED BUILDING: A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.
- (9) ENCROACMENT: (This definition applies only with respect to flood damage prevention regulations.) The advance or infringement of uses, fill, excavation,



buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

- (10) EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. (This definition applies only with respect to flood damage prevention regulations.) A parcel (or contiguous parcels) or subdivision of land divided into two or more manufactured dwelling spaces for rent or ownership for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 1993.
- (11) EXPANSION TO A EXSTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. (This definition applies only with respect to flood damage prevention regulations.) Means the preparation of additional sites by constructing of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
- (12) FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
- (13) FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff or surface waters from any source.
- (14) FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of the community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- (15) FLOOD INSURANCE: The insurance coverage provided under the National Flood Insurance Program.
- (16) FLOOD INSURANCE RATE MAP (FIRM): An official map of the community issued by the Federal Emergency Management Agency (FEMA), on which the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
- (17) FLOOD INSURANCE STUDY (FIS): An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study

report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

- (18) FLOOD PLAIN (OR FLOOD PRONE AREA): Any land area susceptible to being inundated by water from any source.
- (19) FLOOD PLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the provisions of this Article, prior to the commencement of any development activity.
- (20) FLOOD PLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (21) FLOOD PLAIN MANAGEMENT REGULATIONS: Means Chapter 7, Article C of this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combinations thereof, which provide standards for preventing and reducing flood loss and damage.
- (22) FLOOD PROTECTION ELEVATION: The elevation to which structures and uses regulated by Chapter 7, Article C (Flood Damage Prevention) are required to be elevated or flood proofed.
- (23) FLOOD ZONE: Means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- (24) FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
- (25) FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (26) FLOODWAY FRINGE: The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined herein.
- (27) FLOOR : The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

- (28) FREEBOARD: The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".
- (29) FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
- (30) HIGHEST ADJACENT GRADE (HAG): The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
- (31) LEVEE: Means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (32) LEVEE SYSTEM: Means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (33) LOWEST ADJACENT GRADE (LAG): The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
- (34) LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- (35) MANUFACTURED DWELLING (MANUFACTURED HOME, MOBILE HOME): A structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle". (This definition applies only with respect to flood damage prevention regulations.)
- (36) MARKET VALUE: (This definition applies only with respect to flood damage prevention regulations.) Means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated

for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

- (37) MEAN SEA LEVEL: (This definition applies only with respect to flood damage prevention regulations.) Means the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on the FIRM are referenced. Refer to each FIRM panel to determine datum used.
- (38) NEW CONSTRUCTION: (This definition applies only with regard to flood damage prevention regulations.) Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations including any subsequent improvements to such structures.
- (39) NEW MANUFACTURED HOME PARK OR SUBDIVISION: (This definition applies only with respect to flood damage prevention regulations.) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 1, 1993.
- (40) NON-ENCROACHMENT AREA: (This definition applies only with regard to flood damage prevention regulations.) Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
- (41) OBSTRUCTION: Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure, or matter, along, across, or projecting onto any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
- (42) POST-FIRM: Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
- (43) PRE-FIRM: Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
- (44) PRINCIPALLY ABOVE GROUND: (This definition applies only with respect to flood damage prevention regulations.) Means that at least 51% of the actual cash value of the structure is above ground.

- (45) PUBLIC SAFETY and/or NUISANCE: (This definition applies only with respect to flood damage prevention regulations.) Anything that is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.
- (46) RECREATION VEHICLE: (This definition applies only with respect to flood damage prevention regulations.) A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. By definition there should be no differentiation between a recreational vehicle and new construction relative to location within a regulated floodplain.
- (47) REFERENCE LEVEL: (This definition applies only with respect to flood damage prevention regulations.) The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.
- (48) REGULATORY FLOOD PROTECTION ELEVATION: Means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
- (49) REMEDY A VIOLATION: (This definition applies only with respect to flood damage prevention regulations.) Means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced including protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
- (50) RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (51) SHEAR WALL: (This definition applies only with respect to flood damage prevention regulations.) Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.
- (52) SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year.

- (53) **START OF CONSTRUCTION**: (This definition applies only with respect to flood damage prevention regulations and for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)). The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not the alteration affects the external dimensions of the building.
- (54) **STRUCTURE**: (The definition applies only with respect to flood damage prevention regulations.) A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank, or other man-made facilities or infrastructures that are principally above ground.
- (55) **SUBSTANTIAL DAMAGE**: (This definition applies only with respect to flood damage prevention regulations.) Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- (56) **SUBSTANTIAL IMPROVEMENT**: (This definition applies only with respect to flood damage prevention regulations.) Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage regardless of actual repair work performed. The term does not, however, include either: (1) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the Enforcement Officer and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

- (57) **SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**: (This definition applies only with respect to flood damage prevention regulations.) Means where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction, of improvement commenced.
- (58) **VIOLATION**. (This definition applies only with respect to flood damage prevention regulations.) Means the failure of a structure of other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required is presumed to be in violation until such time as that documentation is provided.
- (59) **WATER SURFACE ELEVATION (WSE)**: (This definition applies only with respect to flood damage prevention regulations.) The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- (60) **WATERCOURSE**: A lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**(g)****GENERAL**

- (1) **ADDRESS**: The official street number assigned by the City for a specific lot, building, or portion thereof.
- (2) **ANTIQUE MALL**: An indoor use of a building or buildings that are partitioned to provide spaces for the sale of antiques or collectibles by multiple dealers or lessees.
- (3) **ARTISANS AND CRAFTS**: The practice of a trade or handicraft by a skilled worker or craftsman.
- (4) **ASSEMBLY**: A joining together of completely fabricated parts to create a finished product.
- (5) **ATHLETIC FIELD**: An outdoor site, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).
- (6) **AUTOMOBILE REPAIR SERVICES, MAJOR**: An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions; 4) installation or repair of automotive glass; 5) installation or repair of exhaust systems; 6) repair of tops, bodies, and interiors; and 7) automotive painting and refinishing.

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- (7) AUTOMOBILE REPAIR SERVICES, MINOR: An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups; 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators; 3) lubricating service; and 4) front end and wheel alignment.
- (8) BAR: An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain an ABC license for on-premises beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premises consumption.
- (9) BASEMENT: A story of a building or structure having one-half or more of its clear height below grade.
- (10) BED AND BREAKFAST: Refer to "Tourist Home" in Subsection 9-2-2(g) (General).
- (11) BEDROOM: Any room used principally for sleeping purposes, an all-purpose room (not a living room), a study, or a den.
- (12) BLOCK: The land lying within an area bounded on all sides by streets.
- (13) BLOCK FACE: A specific side of a block that is referenced in relationship to the setback, bulk, height, or uses on that block.
- (14) BLOCK LENGTH: The distance, measured along the right-of-way of each side of a street, between one intersecting through street (not a cul-de-sac or loop street) and the next intersecting through street.
- (15) BOARD OF ADJUSTMENT: A quasi-judicial body, appointed by the City Council that is given certain powers under this Ordinance.
- (16) BOARDING HOUSE: A dwelling with one (1) kitchen in which lodging and meals are provided by the owner or operator to more than three (3) residents.
- (17) BODY PIERCING ESTABLISHMENT: Any location where body piercing is engaged in or where the business of body piercing is conducted, or any part thereof. Body piercing refers to the creation of an opening in the body of a human being so as to create a permanent hole for the purpose of inserting jewelry or other decoration. Body piercing includes piercing an ear, lip, tongue, nose, navel, eyebrow or any other body part. It does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.
- (18) BULKY ITEM OUTDOOR DISPLAY: The display of large or bulky items for rental, leasing or sale which are customarily displayed outdoors, including but not limited to: truck-caps, truck-beds, bed-liners, campers, prefabricated outdoor
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buildings and structures such as sheds, utility buildings, carports, gazebos, swimming pools, decks, dumpsters, portable storage containers, and hot tubs.

- (19) BUSINESS INCUBATOR: The aggregation of one or more small, start-up firms in the same location with affordable office space, business equipment and services, planning assistance and counseling services. The purpose of a business incubator is to encourage small business growth and stability through job creation, economic diversification, rehabilitation and reuse of existing buildings, and enhancement of a neighborhood's image as a center for innovation and entrepreneurship.
- (20) BUSINESS PARK: Refer to "Integrated Multiple Use Development" in this Section.
- (21) CALIPER INCHES: Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.
- (22) CANOPY TREE: A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.
- (23) CERTIFICATE OF APPROPRIATENESS: A statement issued by the City which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.
- (24) CERTIFICATE OF COMPLIANCE: An official document signed by the Inspections Director, or his designee, stating that a building or structure complies with the provisions of the NC Building Code and of this Ordinance.
- (25) CIVIC USE: A building or use, either publicly or privately owned, located on a lot for uses such as, but not limited to, libraries, government offices, churches, museums, post offices, meeting halls, child care centers, police stations, fire stations, and schools.
- (26) COMMON ELEMENTS (COMMON AREA): All areas, including private streets, conveyed to an owners' association within a development or owned on a proportional undivided basis in a condominium development.
- (27) COMMUNICATION TOWERS: A structure, either freestanding or attached to a building or another structure, which is intended to support antennae or related devices used to transmit or receive communication signals through the air.
- (28) COMMUNICATION TOWERS, STEALTH: The housing of communications antennae within a building or onto a structure so that the antennae are disguised as some other permitted structure or use.
- (29) COMMUNITY PARKING FACILITY: An off-site parking lot or garage that provides required parking for uses.

- (30) CONCEPT PLAN: A drawing designed to show proposed elements of a development in a conceptual manner.
- (31) CONGREGATE CARE FACILITY: A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.
- (32) CRITICAL ROOT ZONE: The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.
- (33) DAY: Calendar day.
- (34) DAY CARE CENTER, CHILD OR ADULT: A licensed establishment that provides day care for more than twelve (12) attendees for periods of less than 24 hours a day, but not including nursery schools, kindergartens, or other facilities of which the purpose is primarily educational, recreational, or medical treatment.
- (35) DAY CARE HOME, CHILD OR ADULT: A home that provides registered day care as a home occupation for twelve (12) or fewer attendees for periods of less than 24 hours a day, not including children or adults who reside at the home.
- (36) DENSITY CREDIT: The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures of development density or intensity, or a fraction or multiple of that potential, that may be transferred to other portions of the same parcel or to contiguous land that is part of a common development plan.
- (37) DEVELOPER: A person engaging in land, site, or building development.
- (38) DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment or materials.
- (39) DISPOSAL (OF SOLID WASTE): Means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
- (40) DISTRIBUTION CENTER: Building or buildings in which warehousing or storage of goods for the purpose of sorting, grading, breaking bulk and redistribution in smaller lots, repackaging into already made containers and reshipping to other retail

or wholesale establishments. This use does not include on site assembly or manufacturing.

- (41) DORMITORY PRIVATE: A multiple-unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school, or university for the purpose of housing students registered and attending such an institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.
- (42) DRIPLINE: A vertical line extending from the outermost portion of a tree's canopy to the ground.
- (43) FAMILY: One (1) or more persons occupying a dwelling unit and living as a single household unit.
- (44) FAMILY CARE HOME: Pursuant to NCGS 168-21, a home for six (6) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident persons with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS 122C-3(11)b.
- (45) FENCE: A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.
- (46) FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.
- (47) GRADE, FINISHED: The final elevation of the ground surface after development.
- (48) GRADE, NATURAL: The elevation of the ground surface in its natural state before manmade alterations.
- (49) GREENWAY: Public open space owned and maintained by the City which has been designated on an officially adopted greenway or open space plan.
- (50) GROUP CARE FACILITY: A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) people.

- (51) GROUP DEVELOPMENT: A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites for the purpose of building development (whether immediate or future) and occupancy by separate families, firms, businesses, or other enterprises.
- (52) HISTORIC STRUCTURE: Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with a Certified Local Government (CLG) Program; or 5) certified as contributing to the historic significance of a historic district designated by a community with a Certified Local Government (CLG) Program.
- Certified Local Government Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended in 1980.
- (53) HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.
- (54) INTEGRATED MULTIPLE USE DEVELOPMENT: A development containing two (2) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers, retail centers, office parks, multi-family complexes, and business parks having the characteristics listed above. Such integrated developments may include outparcels for lease or for sale, which may be intersected by public streets. Any such integrated development may be organized as a condominium or in a manner analogous to that of a townhouse development (with ownership parcels beneath the building units and with parking and driveways being in common area owned and maintained by an Owners Association).
- (55) JUST CAUSE: Legitimate cause; legal or lawful ground for action.
- (56) LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MAJOR): A disposal site (other than a minor demolition and construction debris landfill as defined in this Ordinance) for stumps, limbs, leaves, concrete, brick, wood, and

uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

- (57) LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MINOR): A disposal site for stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth which is less than two (2) acres in size and is in operation for less than one (1) year.
- (58) LANDOWNER: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of filing an application for the establishment of vested rights, as provided for in this Ordinance. (This definition applies only to the establishment of vested rights.)
- (59) LOCAL GOVERNMENT: Any county, incorporated municipality, or any combination of counties and/or incorporated municipalities acting through a joint program pursuant to the provisions of this Ordinance.
- (60) MANUFACTURED DWELLING PARK: A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.
- (61) MANUFACTURED DWELLING SPACE: A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling in accordance with the requirements of this Ordinance.
- (62) MIXED DEVELOPMENT: A mixture of residential and permitted office and/or commercial uses.
- (63) MIXED USES: Occupancy of a principal building by two (2) or more use types.
- (64) MODIFICATION: Permission from the Technical Review Committee (or, on appeal, from the Planning and Zoning Commission or City Council), based upon equal or better performance, to depart from the requirements of this Ordinance. The term as used in this Ordinance shall not be construed to refer to the amendment of zoning regulations or zone boundaries as implied by NCGS 160A-385 or to refer to a variance granted by the Board of Adjustment as implied by NCGS 160A-388.
- (65) MOTOR VEHICLE: Any vehicle required by the North Carolina Department of Motor Vehicles to be registered under North Carolina State Law.
- (66) MOTOR VEHICLE, DISABLED: A motor vehicle that meets one (1) or more of the following criteria: 1) does not display a current license plate or inspection sticker; or 2) partially dismantled or wrecked; or 3) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 4) more than five (5) years old and appears to be worth less than \$500.00. Nothing in this

definition shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of such business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

- (67) MULTI-TENANT BUILDING: A building that is used for two or more occupancies provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC State Building Code.
- (68) NONCONFORMING: A lot, structure, sign, or use of land or structure, which is now prohibited under the terms of this Ordinance but was lawful at the date on which it was established or became lawful at some later date.
- (69) NONCONFORMING LOT: A lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
- (70) NONCONFORMING STRUCTURE: A structure that does not conform to dimensional, elevation, location, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
- (71) NONCONFORMING USE: A use which was once a permitted use on a parcel of land or within a structure but which is now not a permitted use of that parcel or structure under Table 4-7-1 (Permitted Use Schedule) of this Ordinance. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.
- (72) NURSING HOME: An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.
- (73) OFFICE PARK: Refer to "Integrated Multiple Use Development" in this Section.
- (74) OPEN SPACE: An area of land or water intended to provide light, air, amenity, recreation and/or resource protection set aside in some permanent manner for public or private use and enjoyment. Open space includes, but is not limited to, preserves, parks, passive and active recreation areas, floodplains, plazas, squares, greenways, and waterbodies.
- (75) OPEN SPACE, PRIVATE: Open space owned by an individual, group, or organization for common use and enjoyment of the owners, residents or members.

- (76) OPEN SPACE, PUBLIC: Open space that is owned and maintained by the City of High Point, Guilford County or other governmental entity.
- (77) OUTDOOR DISPLAY: The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing purposes, for a period of time not exceeding twenty-four (24) hours.
- (78) OUTDOOR STORAGE: The keeping of any goods, junk, material or merchandise in an unroofed area, in the same place for a period of time exceeding twenty-four (24) hours, but excluding temporary construction and related activities.
- (79) OUTPARCEL: A subdivided or leased parcel within and at the periphery of a nonresidential group development or integrated multiple use development (refer to "Group Development" and "Integrated Multiple Use Development" in this Section) containing a principal use that is physically coordinated with the development.
- (80) OWNER: A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.
- (81) PARK: An open space available for recreation, its landscaping consisting of paved paths or trails, open lawn, trees, open shelters, or recreational facilities.
- (82) PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body, or other legal entity.
- (83) PHASED DEVELOPMENT PLAN: A plan submitted to the Department of Planning and Development for the purpose of establishing a vested right for developments to be constructed in more than one phase and which contain less degree of certainty than a site specific development plan.
- (84) PLAN, SKETCH: A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information required in Appendix-Map Standards, of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.
- (85) PLANNED UNIT DEVELOPMENT: An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.
- (86) PLANTING STRIP: The area within the right-of-way, between the street pavement and the sidewalk, containing street trees.
- (87) PLAT: A surveyed map or plan for a parcel of land which is to be, or has been, subdivided.

- (88) PLAT, FINAL: The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements, and any other information required in Appendix-Map Standards, presented for local government approval and subsequent recordation in the Office of the County Register of Deeds.
- (89) PLAT, PRELIMINARY (PRELIMINARY PLAN): A map indicating the proposed layout of the subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in Appendix-Map Standards.
- (90) PLAZA: An open space at the intersection of important streets or adjacent to important structures, set aside for civic purposes and commercial activity, which may include parking, consisting of durable pavement and formal landscaping and tree plantings.
- (91) PRESERVE: Open space that preserves or protects endangered species, a critical environmental feature or other natural feature.
- (92) PUBLIC SEWER: A system which provides for the collection and treatment of sanitary sewage from more than one property and is owned and operated by a government organization or sanitary district.
- (93) PUBLIC WATER: A system which provides distribution of potable water to more than one property and is owned and operated by a government organization or utility district.
- (94) QUASI-PUBLIC USE: Any use, structure, or facility that houses a service of a church, school, recreational facility, etc. that is generally available for use by the general public.
- (95) RECREATIONAL VEHICLE: A vehicle that is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, 400 square feet or less when measured at the largest horizontal projection; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (96) RECREATIONAL VEHICLE PARK: Any site or tract of land upon which two (2) or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation, travel, or vacation purposes.
- (97) RECREATIONAL VEHICLE SPACE: A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle in accordance with the requirements set forth in this Ordinance.
- (98) RECYCLING COLLECTION POINT: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed. This facility is generally located in a



shopping center parking lot or in other public/quasi-public areas, such as at churches and schools.

- (99) RECYCLING PROCESSING CENTER: A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.
- (100) RESTAURANT (SERVING MIXED ALCOHOLIC BEVERAGES): An establishment primarily engaged in the retail sale of prepared food and mixed alcoholic beverages (including liquor, beer, ale, or wine) for on-premise or immediate consumption. Such establishments must: obtain an ABC license for on-premise mixed beverage consumption; have more than thirty percent (30%) of the gross receipts result from the sale of prepared food on-premise; and have permanent kitchen facilities. Establishments with an ABC license for on-premise beer or wine consumption only shall be classified as a "Bar" for the purpose of this Ordinance, unless the facility has a permanent kitchen facility for preparing foods on site and thirty percent (30%) or more of the gross receipts result from the sale of prepared foods on-premise.
- (101) ROOF LINE: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.
- (102) ROOMING HOUSE: A dwelling in which lodging only is provided by the owner or operator to more than 3 residents.
- (103) ROOMING UNIT: A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.
- (104) SALVAGE YARD, AUTO PARTS: Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or in part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.
- (105) SALVAGE YARD, SCRAP PROCESSING: Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.
- (106) SEATING CAPACITY: The actual seating capacity of an area based upon the number of seats or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC State Building Code.

(107) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination of the foregoing. As used in this Ordinance the following definitions shall apply:

- a. **ADULT ARCADE** (also known as "peep show") means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."
- b. **ADULT BOOKSTORE OR ADULT VIDEO STORE** means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
  1. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
  2. instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
- c. **ADULT CABARET** means a nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:
  1. persons who appear nude or semi-nude; or
  2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  3. films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe "specified sexual activities "or" specified anatomical areas."
- d. **ADULT MOTEL** means a hotel, motel or similar commercial establishment that:
  1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities "or" specified anatomical areas" as one of its principal business purposes; or

2. offers a sleeping room for rent for a period of time that is less than 10 hours; or
  3. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- e. **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities "or" specified anatomical areas."
- f. **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict "specified anatomical areas "or" specified sexual activities."
- g. **ESCORT** means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- h. **ESCORT AGENCY** means a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.
- i. **NUDE MODEL STUDIO** means any place where a person who appears nude or semi-nude, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the state of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  2. where in order to participate in a class a student must enroll at least three days in advance of the class; and
  3. where no more than one nude or semi-nude model is on the premises at any one time.

- j. NUDE or A STATE OF NUDITY means:
    - 1. the appearance of a human anus, male genitals, or female genitals; or
    - 2. a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
  - k. SEMI-NUDE means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
  - l. SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
  - m. SPECIFIED ANATOMICAL AREAS means human genitals in a state of sexual arousal.
  - n. SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:
    - 1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
    - 2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
    - 3. masturbation, actual or simulated; or
    - 4. excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.
- (108) SHELTER, TEMPORARY: A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residence as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, State or federal official or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.
- (109) SHELTER FOR THE HOMELESS: A facility operating year-round which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from

the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

- (110) SHOPPING CENTER: Refer to "Integrated Multiple Use Development" in this Section.
- (111) SIDEWALK: A paved area within the public right-of-way running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and properties.
- (112) SINGLE ROOM OCCUPANCY (SRO) RESIDENCE: A building containing twenty-five (25) or more rooming units, which are available for rental occupancy for periods of seven (7) days or longer. This term does not include hotels, private dormitories, congregate care facilities, family care homes, and group care facilities.
- (113) SITE SPECIFIC DEVELOPMENT PLAN: A plan submitted to the Department of Planning and Development for the purpose of establishing a vested right which describes with reasonable certainty the type and intensity of land use for a specific parcel or parcels of property.
- (114) SLOPE: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one" (2:1), "one and one half to one" (1.5:1), etc.
- (115) SOLID WASTE: Garbage, refuse, and other discarded solid materials.
- (116) SOLID WASTE DISPOSAL FACILITY: Means any facility involved in the disposal of solid waste as defined in NCGS 130-A290(a)(35).
- (117) SOLID WASTE DISPOSAL SITE: Means, as defined in NCGS 130-A290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- (118) SQUARE: An open space that is defined by streets or adjacent buildings, may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscaping consisting of paved walks, lawns, trees, and may contain civic buildings.
- (119) STATEMENT OF INTENT: A written document, submitted by an applicant as part of a zoning map amendment, that provides descriptions of the characteristics of a proposed development. It shall include statements regarding uses planned, density, parking, streetscape elements, recreation/open space, and other standards as applicable to the site.
- (120) STORAGE CONTAINER, PORTABLE: A transportable, fully enclosed, box-like container that is designed for temporary storage of materials and/or equipment. Such containers are uniquely designed for their ease of loading to and from a

transport vehicle. For the purposes of this Ordinance, the trailer portion of a tractor trailer shall be considered a portable storage container when expressly used for the purpose of on-site storage.

- (121) STREET FRONTAGE: The length of property of a single zone lot abutting a public right-of-way or private street.
- (122) STREET VISTA: A view through or along a street centerline.
- (123) STREETSCAPE: An area within the public or private street right-of-way that may contain sidewalks, street furniture, landscaping, street trees, bus shelters, street lighting, building projections, and other features that create interest and interaction at the street level.
- (124) SUBDIVIDER: Any person who subdivides land.
- (125) SUBDIVISION: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any subdivision regulations in this Ordinance:
- a. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
  - b. The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved.
  - c. The public acquisition by purchase of strips of land for the widening or opening of streets.
  - d. The division of a tract in single ownership, the entire area of which is not greater than two (2) acres, into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.
- (126) SUBDIVISION, MAJOR: A subdivision involving more than four (4) lots, requiring new public street(s) for access to interior property, and/or requiring extension of public water or sewer lines.
- (127) SUBDIVISION, MINOR: A subdivision involving not more than four (4) lots fronting on an existing approved public street, not requiring any new public street(s) for access to interior property, and not requiring extension of public water or sewer lines.

- (128) SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground swimming pools, hot tubs and spas. (See Appendix F, N. C. State Building Code. Vol. VII.)
- (129) SWIMMING POOL, PUBLIC: Any swimming pool, other than a residential pool, which is intended to be used collectively by numbers of persons for swimming or bathing and is operated by any owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged.
- (130) SWIMMING POOL, RESIDENTIAL: Any constructed pool, permanent or non-permanent, which is intended for noncommercial use as a swimming pool by an owner, occupant or guest.
- (131) TATTOO ESTABLISHMENT: (Also Tattoo Parlor) Any location where tattooing is engaged in or where the business of tattooing is conducted, or any part thereof. Tattooing refers to the inserting of permanent markings or coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method.
- (132) TEMPORARY EVENT: An activity which is infrequent in occurrence and limited in duration. Examples include arts and craft shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, Christmas tree sales, outdoor religious events, and other similar activities.
- (133) TENANT: Any person who alone or jointly or severally with others occupies a building under a lease or holds a legal tenancy.
- (134) TOURIST HOME (BED AND BREAKFAST): A dwelling in which lodging, with or without meals, is provided for overnight guests for a fee.
- (135) TRACT (SITE): All contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time.
- (136) TRADITIONAL NEIGHBORHOOD (TN) MASTER PLAN: A master site plan for the development of one or more compact, mixed use, pedestrian-oriented neighborhoods to be located in the Traditional Neighborhood District which includes the location of permitted uses, streets and facilities, a list of standards to apply to the development, and a defined set of design guidelines for physical improvements and public spaces.
- (137) TRAFFIC IMPACT ANALYSIS: A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies shall be performed by a licensed professional engineer in

accordance with the Traffic Impact Analysis Policy adopted by the City of High Point.

- (138) UNDERSTORY TREE: A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet.
- (139) USE: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.
- (140) USE, ACCESSORY: A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or use; 2) is subordinate to and serves a principal building or a principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and 5) is located on the same zone lot as the principal building or use served.
- (141) USE, PRINCIPAL: The primary purpose or function that a lot or structure serves or is proposed to serve.
- (142) UTILITY LINES AND RELATED APPURTENANCES: Utility service-related appurtenances located inside public or private street right-of-way or utility easements, including but not limited to distribution poles, transmission poles, transmission towers, sectionalizers, reclosers, capacitors, regulators, transformers, splicing cabinets, post regulators, relief valves and signal boxes.
- (143) UTILITY SERVICE FACILITIES: The principal use of land, buildings, or structures by a public or private utility, including but not limited to natural gas border stations, raw water pump stations, utility substations, water towers, non-nuclear power plants, telephone switching stations, and other similar public service structures, but not including utility equipment and storage yards, utility company offices, communication or broadcasting facilities or towers.
- (144) VARIANCE: Permission from the Board of Adjustment, based upon hardship or practical difficulty, to depart from the requirements of this Ordinance.
- (145) VESTED RIGHTS: The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.
- (146) WALL, RETAINING: A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
- (147) WIRELESS COMMUNICATION BUSINESS: A business whose primary source of income is derived from the sale of wireless communication services, rather than



from the retail sale of phones, pagers or other communications equipment, although such equipment may be offered for sale on the premises.

- (148) YARD SALE: The sale of residential household items or personal possessions which have been incidentally accumulated during normal residential use of the property by a person residing on the premises where the sale is conducted, but not including the sale of food or drink, titled personal property, items purchased for resale, or items transported to the premises solely for sale. The term includes, but is not limited to, sales commonly known as "garage", "patio", "driveway", "lawn", "attic", or other general sale of like nature.
- (149) ZONING DISTRICTS: Areas defined by the regulatory requirements of zoning use districts acting independently or in conjunction with floating zones and/or overlay zones.

**(h)**

**HAZARDOUS AND TOXIC SUBSTANCES**

- (1) DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)): The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or any air, land, or water.
- (2) DISPOSAL FACILITY: A facility or part of a facility at which hazardous wastes or toxic substances are intentionally placed into or on any land or water, and at which such hazardous wastes or toxic substances will remain after closure.
- (3) HAZARDOUS WASTE GENERATOR: Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules or whose act first causes a hazardous waste or toxic substance to become subject to regulation, provided that "generator" does not include a facility which accepts hazardous wastes or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.
- (4) HAZARDOUS WASTE OR TOXIC SUBSTANCE: Any solid waste as defined in NCGS 130A-290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976 (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- (5) HAZARDOUS WASTE LONG-TERM STORAGE FACILITY: Any facility, or any portion of a facility, constructed for storage of the residuals of the treatment of hazardous waste on or in land.

- (6) HAZARDOUS WASTE MANAGEMENT: The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.
- (7) HAZARDOUS WASTE TREATMENT FACILITY: A facility which is established and operated for the recovery, recycling, treatment, storage during collection prior to treatment, short-term storage after treatment, collection, processing, volume reduction, source separation, or transportation (used exclusively in connection with the facility) of hazardous waste; and which facility includes several of the following equipment and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate "reuse" or recycling, analytical capabilities, and other similar appropriate technologies, activities, and processes as may now exist or be developed in the future.
- (8) LONG-TERM RETRIEVABLE STORAGE OF HAZARDOUS WASTE: The storage in closed containers in facilities (either above or below ground) with adequate lights; impervious concrete floors; strong visible shelves or platforms; passageways to allow inspection at any time; adequate ventilation if underground or in closed buildings; protection from the weather; accessible to monitoring with signs both individual containers and sections of storage facilities; and adequate safety and security precautions for facility personnel, inspectors, and invited or permitted members of the community.

**(i) LOTS**

- (1) CORNER LOT: A lot abutting two (2) or more streets at their intersection.
- (2) FLAG LOT: A lot, created by a subdivision, with less lot width than is required for a conventional lot by Chapter 4 (Zoning) and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flagpole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes. (See Appendix-Illustrations).
- (3) LOT: A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes "plot", "parcel," or "tract."
- (4) LOT AREA: The total area, excluding street right-of-way, circumscribed by the boundaries of a lot, except that for purposes of computing lot area to satisfy minimum lot area requirements of Chapter 4 (Zoning), the following rules shall apply:

- a. If intersecting street rights-of-way at a corner lot are connected by a right-of-way chord or radius, the area lying between the chord or radius and the projections of the two street right-of-way lines to a point of intersection shall be included in the lot area calculation.
  - b. If a street right-of-way line cannot be determined, or if the street is a private street, a line parallel to and twenty-five (25) feet from the center of the traveled portion of the street shall be used as the boundary for lot area calculation.
  - c. If a collector, subcollector, or local street right-of-way wider than required by this Ordinance is present, the extra right-of-way on each side shall be counted toward the minimum lot area of the abutting lot on the same side.
- (5) LOT COVERAGE: The portion of a lot covered by buildings(s) or roofed structure(s), excluding allowed projecting eaves, balconies, and similar features.
  - (6) LOT DEPTH: The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot (See Appendix-Illustrations).
  - (7) LOT OF RECORD: A lot, plot, parcel, or tract which has been recorded in the Office of the County Register of Deeds and which was in conformance with land development ordinance(s) in effect at the time of recordation. Any lot created or changed in violation of this Ordinance or a predecessor ordinance is not a lot of record.
  - (8) MINIMUM LOT WIDTH: The distance from side lot line to side lot line measured at the minimum front street setback (parallel to the front property line). For lots along circular turnarounds, the minimum lot width may be measured at a front street setback of up to fifty (50) feet from the street right-of-way (which shall become the minimum building line). (See Appendix-Illustrations).
  - (9) REVERSE FRONTAGE LOT: A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.
  - (10) THROUGH LOT: A lot abutting two (2) streets that do not intersect at the corner of the lot.
  - (11) TOWNHOUSE LOT: A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around, a townhouse.
  - (12) ZONE LOT (BUILDABLE LOT): One or more lots of record in one undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards. In townhouse developments, the zone lot shall be considered to be the entire development (See Subsection 9-4-16 (Zone Lot Requirements)).

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**(j) SETBACKS (SEE APPENDIX 5: ILLUSTRATIONS.)**

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- (1) **FRONT STREET SETBACK**: Any setback from a street other than a side street setback. A through lot has two front street setbacks. On a corner lot the property owner shall designate one street as the front street setback.
- (2) **INTERIOR SETBACK**: A setback from any property line not alongside a street.
- (3) **REAR SETBACK**: A setback from an interior property line lying on the opposite side of the lot from the front street setback. See Section 9-4-12 (c), entitled *Rear Setback Measurement* for additional information.
- (4) **SETBACK**: The horizontal distance from the property line, street right-of-way line, or street centerline to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line.
- (5) **SIDE SETBACK**: Any interior property line setback other than a rear setback.
- (6) **SIDE STREET SETBACK**: Any setback from a street other than a front street setback.
- (7) **STREET SETBACK**: Any setback from a street.
- (8) **ZERO SIDE SETBACK**: An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero (0) feet. This definition does not include townhouses.

**(k) SIGNS (SEE APPENDIX: ILLUSTRATIONS.)**

- (1) **A-FRAME SIGN**: Any sign not permanently attached to the ground or other permanent structure, that is displayed for a limited period of time, and is constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as a menu board or sandwich board sign.
- (2) **ANIMATED SIGN**: Any sign which flashes, revolves, rotates, or swings by mechanical means or which uses a change of lighting to depict action or to create a special effect or scene.
- (3) **AWNING SIGN**: Any sign which is a part of a fabric or other non-structural awning.
- (4) **BANNER**: A temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more opposite sides. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- (5) **BUILDING MARKER**: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

- (6) CANOPY SIGN: Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.
- (7) CHANGEABLE COPY SIGN: Any sign which displays messages in which the copy may be arranged or rearranged by hand.
- (8) COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (9) CONSTRUCTION SIGN: Any sign which identifies the architects, engineers, contractors, and other individuals or firms involved with construction on the property, the name of the building or development, the intended purpose of the building or development, and/or the expected completion date.
- (10) CUT-OUT LETTER LIGHTING: Lighting so arranged that only the outlines of letters, numerals, or symbols are illuminated from an internal lighting source while the remainder of the sign is covered with nontransparent materials that prevent illumination.
- (11) DIRECTIONAL SIGN: Any sign that indicates only the name and/or logo and direction to businesses, churches, hospitals, colleges and similar institutional uses.
- (12) ELECTRONIC CHANGEABLE COPY SIGN: Any sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode and any message or display remains stationary for a minimum of two (2) seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of two (2) seconds shall be considered a flashing sign.
- (13) FLASHING SIGN: A type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source.
- (14) FREESTANDING SIGN: Any sign which is placed on or anchored in the ground with one or more supports that are not part of a building or other structure.
- (15) GOVERNMENTAL SIGN: Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- (16) GROUND SURFACE SIGN: Any sign composed of manmade or organic materials displayed upon the surface of the ground.

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- (17) HISTORICAL OR MEMORIAL SIGN: Any sign which commemorates a historical person, structure, place, or event or which denotes, honors, celebrates, or acknowledges a historical person, structure, place or event.
- (18) IDENTIFICATION SIGN: Any sign used to display: the name, address, logo or other identifying symbol of the individual, family, business, institution, service or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.
- (19) ILLUMINATED SIGN: Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign.
- (20) ILLUMINATION, DIRECT: Illumination so arranged that the light is directed into the eyes of the viewer from the light source.
- (21) ILLUMINATION, INDIRECT: Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.
- (22) INSTRUCTIONAL SIGN: Any sign that provides assistance, with respect to the premises on which it is maintained, for the direction, safety, or convenience of the public such as "entrance", "exit", "one way", "telephone", "parking", "no parking", and similar instructions.
- (23) MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- (24) MARQUEE SIGN: Any sign attached to, in any manner, or made a part of a marquee.
- (25) MONUMENT SIGN: Any monolithic sign in which the bottom of the sign is flush with the ground.
- (26) NONCONFORMING SIGN: Any sign which does not conform to the size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
- (27) OFF-SITE SIGN: Any sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.
- (28) ON-SITE SIGN: Any sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; provided, an on-site sign may also display a noncommercial message.
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- (29) OUTDOOR ADVERTISING SIGN (BILLBOARD): Any sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same zone lot where such sign is displayed. In lieu of a commercial message, any otherwise lawful noncommercial message may be displayed.
- (30) PENNANT: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- (31) PLAYBILL: Any sign announcing entertainment offered or to be offered at a business location on the site where the sign is displayed.
- (32) PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T-Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.
- (33) PROJECTING SIGN: Any sign end-mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.
- (34) REAL ESTATE SIGN: Any sign displayed for the purpose of offering for sale, lease, or rent the property on which such sign is erected, affixed, or otherwise established.
- (35) ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (36) SHIELDED SILHOUETTE LIGHTING: Lighting achieved by an illumination source located behind individual letters or parts of a sign but not visible directly through such letters or parts of the sign to the viewer.
- (37) SIGN: Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images or any other attention directing device.
- (38) SIGN OWNER: Any person holding legal title or legal right to occupy or carry on business in a structure or any facility and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than one (1) owner, as defined, their duties and

obligations under this chapter are joint and several, and shall include the responsibility for such sign.

- (39) **SPECIAL PROMOTION**: An advertising activity or circumstance of a business which is not part of its daily activities or normal routine and in which the display and/or sale of merchandise, ware, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales but do not include reoccurring sales advertisements or other similar publicity.
- (40) **SUSPENDED SIGN**: Any sign which is suspended from the underside of a horizontal plan surface and is supported by such surface.
- (41) **TEMPORARY SIGN**: Any sign that is displayed for a limited period of time and/or is not permanently mounted.
- (42) **WALL SIGN**: Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one sign surface.
- (43) **WARNING SIGN**: Any on-site sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing", and similar directives.
- (44) **WINDOW SIGN**: Any sign which is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise.

(Ord. No. 04-40, Pt. 15, §1), 5-03-04)

**(I) STREETS AND DRIVES** (THE NUMBERS IN PARENTHESIS INDICATE THE STREET CLASSIFICATION, WITH "1" BEING THE HIGHEST AND "8" BEING THE LOWEST.) (SEE APPENDIX-ILLUSTRATIONS.)

- (1) **ALLEY**: A roadway set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street or open space. An alley is designed to have a pavement width narrower than that required for a street. For the purpose of setback application, an alley shall not be considered a street. The setback from an alley shall be the appropriate minimum interior setback for the zoning district.
- (2) **COLLECTOR STREET (3)**: A street whose principal function is to carry traffic between cul-de-sac, local, and subcollector streets and streets of higher classification but which may also provide direct access to abutting properties.
- (3) **COLLECTOR STREET PLAN**: A plan, adopted by the City Council, for streets not shown on the Thoroughfare Plan and showing collector and, if appropriate, lower classification streets in the planning area.



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- (4) CUL-DE-SAC STREET (6): A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.
- (5) LOCAL COMMERCIAL STREET: (1) An existing street that serves commercially zoned property or a property developed, or planned to be developed, with commercial uses and is not otherwise classified as a subcollector, collector or thoroughfare street. (2) A new public street in a Traditional Neighborhood District that meets the criteria in (1) and the street design standards for the Traditional Neighborhood District in Section 9-4-3(b). A local commercial street is designed to provide circulation and property access.
- (6) LOCAL STREET (5): A street whose primary function is to provide access to abutting properties.
- (7) LOCAL INDUSTRIAL STREET/CUL-DE-SAC: (1) An existing public or private street that serves as access to industrially zoned properties exclusively, or serves as access to properties that are developed with – or are planned to be developed with – wholesale, transportation, warehousing, utility, manufacturing or other industrial land uses; (2) A new public street that meets the criteria in (1) and meets the design standards in Table 6-16-1 of the Development Ordinance. Local industrial streets are designed to provide internal circulation and property access. A street having a functional classification of collector or thoroughfare shall not be considered a local industrial street. A street that serves some industrial land uses that also serves commercial, service or other non-industrial land uses shall not be considered a local industrial street, even though it might be required to be designed and constructed to such standards.
- (8) MAJOR THOROUGHFARE STREET (1): Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
- (9) MINOR THOROUGHFARE STREET (2): Minor thoroughfares collect traffic from collector, sub collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.
- (10) PRIVATE DRIVE (8): A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lots for two (2) or more principal buildings in a group housing or group nonresidential development.
- (11) PRIVATE STREET (7): A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.
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- (12) PUBLIC STREET: A dedicated and accepted public right-of-way for vehicular traffic, and in Guilford County jurisdiction and extraterritorial jurisdiction of municipalities, public streets also include street rights-of-way offered for dedication, but not yet accepted, in which the roadway design and construction have been approved under public standards for vehicular traffic.
- (13) STREET RIGHT-OF-WAY: A strip of land whose legal title rests with the city or state and is occupied or intended to be occupied by a travelway for vehicles and is also available, with the consent of the appropriate governmental agency, for installation and maintenance of traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.
- (14) SUBCOLLECTOR STREET (4): A street whose principal function is to provide access to abutting properties but which is also designed to be used or is used to connect local streets with collector or higher classification streets.
- (15) THOROUGHFARE PLAN: A plan, adopted by the City Council, for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost-effective manner.
- (16) VEHICULAR SIGHT TRIANGLE: A defined area on either side of street intersections, street corners or vehicular access points which allows for sufficient sight distance to permit drivers approaching simultaneously to see each other in time to prevent a traffic accident. The size of the vehicular sight triangle is governed by space, time and traffic volume of the subject intersection.

(Ord. of 7-1-93, § 1; Ord. No. 93-113, Pt.2(§ 1), 9-16-93; Ord. No. 93-113, Pt. 1(§ 1), 12-13-93; Ord. No. 94-39, § 1, 3-17-94; Ord. No. 94-81, § 1, 7-21-94; Ord. No. 94-99, § 1, 10-20-94; Ord. No. 96-09, § 1, 2-15-96; Ord. No. 96-71, § 1, 11-7-96; Ord. No. 96-74, § 1, 12-12-96; Ord. No. 98-07, § 1, 1-22-98; Ord. No. 98-15, § 1, 2-19-98; Ord. No. 98-64, § 1, 5-21-98; Ord. No. 99-48, Pt. 1, § 1, 5-20-99; Ord. No. 99-52, Pt. 1, § 1, 7-1-99; Ord. No. 99-75, Pt. 1, (§ 1), 10-4-99; Ord. No. 99-90, Pt. 2, § 1, 7-1-99; Ord. No. 00-22, Pt. 1 (§ 1), 3-2-00; Ord. No. 01-10, Pt 5 (§1), 12-21-00; Ord. No. 01-14, Pt. 2,3,4,5,6,7,8(§ 1), 4-5-01; Ord. No. 02-12, Pt. 1 & 11, (§ 1), 2-21-02; Ord. No. 03-15, Pt. 14, (§ 1), 3-20-03; Ord. No. 04-40, Pt. 8 & 9, (§1), 5-03-04; Dev. Ord. 05-23, Pt 7, §1, 3-10-05; Dev. Ord. 05-101, Pt 1 & 2, §1, 12-22—05